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Cc: CN=David Croxton/OU=R10/O=USEPA/C=US@EPA;CN=Christine Psyk/OU=R10/O=USEPA/C=US@EPA[]; N=Christine Psyk/OU=R10/O=USEPA/C=US@EPA[]
From: CN=David Powers/OU=R10/O=USEPA/C=US
Sent: Wed 12/19/2012 7:22:11 PM
Subject: Fw: Desk Statement on EPA/NOAA's Initial Assessment (under CZARA Settlement Agreement)
[OR CZARA Initial Assessment Cvr Ltr Final 12.19.12.docx](#)
 (embedded image)

Mark- EPA (Dan Opalski or Christine Psyk in an acting role) are likely to co-sign a letter this week that provides EPA and NOAA's initial assessment of OR DEQ's approach for addressing nonpoint source pollution in OR's coastal management zone. NOAA is trying to sign the letter this week as well. The attached cover letter with our assessment is a close to final version that both EPA and NOAA must sign. The initial assessment is required by a settlement agreement between NWEA counsel and DOJ (representing EPA & /NOAA's Oceans and Coastal Resources Office). OR has made progress to address the outstanding conditions but there are significant remaining things that need to move forward.. NWEA may send our letter to the press or other publics or issue a press release so having a desk statement for responding to inquiries is prudent.

A draft version of a desk statement is provided below...do some MacMagic with your red pen. Don, Jenny and Allison are cc'd in case they want to add something regarding DEQ progress or shortfalls related to OSDS and New Developments, the two other key areas besides forestry that OR DEQ needs to address....or make other suggestions.

I am not the CZARA or TMDL lead so would recommend Jenny or Dave as the point of contact....but I can back up if others are out. Don is EPA's DC expert on CZARA and has taken the lead on OSDS (septic system) issues. If there are forestry related questions I would be the appropriate contact..

Draft Desk Statement – EPA and NOAA Initial Assessment of Oregon DEQ efforts to develop a State program for controlling nonpoint sources of pollution in Oregon's coastal management zone, including management measures that will achieve State water quality standards.

On January 6, 2009, Northwest Environmental Advocates (NWEA) sued EPA for not taking final action required under the Coastal Zone Act Reauthorization Amendments (CZARA) of 1990. CZARA requires coastal states to develop and adopt a coastal nonpoint source pollution control program to protect water quality. CZARA also requires EPA and NOAA to withhold a percentage of Clean Water Act and Coastal Zone Management Act (CZMA) monies from states that fail to adopt an approvable program. While Oregon has many of the pieces of such a program in place, Oregon does not have all the pieces necessary for a full approval from EPA and NOAA.

A September 2012 settlement agreement between the U.S. Department of Justice and NWEA counsel commits EPA and NOAA to either approve Oregon's Coastal Nonpoint Source Pollution Control program or to disapprove the State's program and begin withholding funding to the State by May 15, 2014. The remaining pieces of an approvable program include: 1) management measures for septic systems; 2) management measures for new development; and 3) additional management measures for forestry.

Oregon has identified and made progress on a number of efforts to achieve a fully approvable program, including development of an implementation ready TMDL in the Mid-Coast Basin that includes management measures necessary to meet water quality standards. Today's (or date letter signed) letter) EPA and NOAA initial assessment letter to Oregon speaks to the status of Oregon's progress to develop a fully approvable coastal nonpoint source pollution control program. Our goal is and has been to work collaboratively with Oregon as they take the necessary steps to put in place the pieces of a fully approvable program. The EPA and NOAA initial assessment acknowledges Oregon's accomplishments to date, identifies where Oregon is behind schedule on some of its commitments, and requests that Oregon accelerate its efforts in a number of areas, including developing additional management practices for protection of riparian and landslide prone areas and an approach to address forest road water quality problems. The letter provides recommendations to Oregon for addressing the remaining three pieces of an approvable program.

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----- Forwarded by David Powers/R10/USEPA/US on 12/19/2012 08:23 AM -----

From: Christine Psyk/R10/USEPA/US
To: David Powers/R10/USEPA/US@EPA
Cc: Jayne Carlin/R10/USEPA/US@EPA, Jennifer Wu/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA
Date: 12/19/2012 08:01 AM
Subject: Re: Fw: Communications Plan & cc's for Cover Letter on EPA/NOAA's Initial Assessment (under CZARA Settlement Agreement)

Dave, That looks fine to me. Would you or Jenny please get with Mark MacIntyre to finalize the desk statement and get us in ready mode to receive calls that may come our way from the press once the letter goes out? Dave or Jenny, would one of you be able/willing to be our point of contact on calls that may come?

Thanks.

Christine Psyk
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